

UNITED STATES SUGAR CORPORATION

111 Ponce De Leon Avenue, Clewiston, Florida 33440

Telephone: (863) 902-2418 Facsimile: (863) 902-2120

Via E-mail: swood@sfwmd.gov

Via Overnight Courier

Friday, January 9, 2009

Sheryl G. Wood, General Counsel
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Re: Agreement for Sale and Purchase dated December 23, 2008 (the "Agreement") between United States Sugar Corporation, SBG Farms, Inc., and Southern Gardens Groves Corporation, as "USSC", and The South Florida Water Management District, as "SFWMD", for approximately 180,000 acres located in Palm Beach, Glades and Hendry Counties (all capitalized terms used but not defined herein shall have the meanings assigned to the same in the Agreement)

Dear Ms. Wood:

In response to your due diligence requests set forth in your letter dated January 7, 2009, please note the following (the numbering below corresponds with the numbering in your January 7th letter):

1. There are no executed copies of any extensions of leases that expired on December 31, 2008 as I am in the process of renewing/extending the same now (as was verbally advised to Ms. Linton on January 6th).
2. Except for two (2) claims for damages under our personal property insurance (a claim for damages to a tractor due to a fire and a claim for a damages to a harvester due to a fire), there have been no insurance claims in the last five (5) years arising out of incidents that occurred on the Premises (other than such claims, if any, that pertain to Seller's business operations or assets other than the Premises, as such information is not required to be disclosed by USSC pursuant to Section 6.b of the Agreement).
3. a, c, d, e and f - Schedule 12.a.vi to the Agreement regarding litigation matters does not include any of the matters you reference in subsections 3(a), (c), (d), (e) and (f) of your letter. To the extent that you may be referring to schedules provided under prior drafts of the Agreement, we believe copies of such pleadings were made available to you during our prior negotiations when the SFWMD was purchasing all of the assets of USSC (including the citrus processing plant, the sugar mill and refinery, the railroads, etc.);

b. Please see enclosed documentation (a 3 page internal report which we prepared) regarding the 15 gallon fuel spill referenced in my December 29th letter, which matter as I previously indicated has been remediated and closed;

c. Please note that we will be sending to you the following updated schedules to the Agreement shortly:

i. Schedule 12.a.ii(B) (which removes lease nos. 2 (Fiberstar, which does not affect the Premises) and 17 (Gulfstream, which has expired) and adds additional vegetable leases);

ii. Schedule 12.a.iii (which adds the 15 gallon fuel spill referred to in my December 29th letter);

iii. Schedule 12.a.vi (which adds the new Florida Rock litigation); and

iv. Schedule 12.a.xvii(B) (which adds additional Florida Rock related correspondence).

4. Copies of all determinations (and documents and information relating thereto) regarding the status of any portion of the Premises as Prior Converted Cropland were provided to Kirk Burns and Maureen Crough via email on September 19, 2008. We have again enclosed a copy of the same for your convenience.

5. As you know, the SFWMD is not purchasing any portion of the “railroad tracks, railbeds, ties and ballast” referred to in your letter and therefore, we do not believe documents related to the operating condition thereof are relevant to this transaction. Nonetheless, it was our understanding that the engineering consultants retained by the SFWMD have already conducted extensive inspections of the railroad system and reviewed certain maintenance and other records related thereto during the period of time that the SFWMD was performing its due diligence on the acquisition of all of Seller’s assets so we believe that the information you have requested that is in our possession has already been provided or made available to you. Nevertheless, enclosed are copies of documents pertaining to the condition of the rail and rail ties for both USSC’s internal railroad and the South Central Florida Express, Inc. railroad as well as some operating rules for the railroads as requested.

Additionally, enclosed is a copy of a Case No.: 50 2009CA 000032 XXXXMB filed on January 2, 2009 naming USSC as a co-defendant. We are in the process of evaluating the foregoing matter and whether such litigation is to be listed on the updated Schedule 12.a.vi.

Please feel free to call me if you have any questions or comments. We look forward to working with the SFWMD toward a successful closing of this transaction.

If I can be of any further assistance in this matter, please do not hesitate to contact me.

Very Truly Yours,



Edward Almeida, Esq.
Vice President, Legal Affairs

encls. (as noted)

cc: Carol Wehle, Executive Director, SFWMD (via e-mail and overnight courier w/encl.)
Eric Buermann, Chairman, SFWMD (via e-mail and overnight courier w/encl.)
Michael W. Sole, Secretary, Florida Department of Environmental Protection (via e-mail and overnight courier w/encl.)
William S. White, Chairman of the Board of Directors, USSC (via facsimile w/o encl.)
Robert H. Buker, Jr., President & CEO, USSC (w/encl.)

EA/ym

Incident No. 00666
 Status Closed
 Location Area 3

 Date of Incident Sunday, October 26, 2008 Time 10 HH00 MMAM
 Shift Day Shift
 Exact Location of Incident: Runyon Farm Bulk Diesel Tank
 Driver for Evans Oil Company was unloading diesel at the bulk fuel tank in Area 3, Runyon Farm. A problem with the hose resulted in a discharge of approximately 15 gallons of fuel on the ground. Asst. Farm Manager Baldemar Martinez began remediation immediately. Contaminated soil was removed and stockpiled. Soil was placed on top of plastic sheeting and covered. Soil will be sent for proper disposal to permitted landfill.
 Description: Provide a detailed description of incident.

Did Employee Receive Medical Treatment or First Aid? If so, Provide Details: N/A

If witnessed, enter witnesses name

Witnesses
 contact
 information

Reported By ESPOSITO, ANDREW
 Reported To ESPOSITO, ANDREW

Date Reported Sunday, October 26, 2008

Option to send email notification to others:

Recipients List ALMEIDA, EDWARD
 BRIGGS, PETER
 HALL, RANDY
 Incident Notif, Cane Ops
 MARTINEZ, BALDEMAR

1. Sub-Incidents Associated with this Incident Report:

View/EditType	Employee/Contact Name	Status	Select Deselect
00724 Vehicle Sub-Incident Form	N/A	N/A	<input type="checkbox"/>

4. Corrective/Preventive Actions associated with this Incident Report:

View/EditType	Action Required	Person Responsible	Target Date	Completion Date	Completion Notes	Select Deselect
00416 Corrective	Ship contaminated soil from spill to CSH for disposal at permitted landfill.	CAULEY, CALVIN	Saturday, November 22, 2008	Tuesday, November 18, 2008	transported 2 2-ton truck loads of material to the clewiston mill. Kenny Williams was at the site and accepted the material.	<input type="checkbox"/>

Contact Information:

Contact	Contact Name	Phone Number	Time Contacted	Date Contacted
Environmental - Corporate	Keith Tingberg	863.233.1297		
Safety - Citrus	Jack Mendiburo	863.228.0240		
Safety - Citrus Ops.	Maureen Cheston	863.902.4171		
Safety - CSH	Chris Parker	863.902.2731		
Safety - Medical Case Coordinator	Jodi Pascher	863-228-1347		
Safety/Environmental	Andy Esposito	863-228-2373		

- AG				
Safety/Environmental	Calvin Cauley	561.261.7105		
- AG				
Safety/Environmental	Kenneth Williams	561.261.7119		
- Sugar				

2. Incident Report Summary and Closing Details:

EHS Coordinator: ESPOSITO, ANDREW Target Close Date Sunday, November 02, 2008

EHS Coordinator's Comments:

Incident Valid Yes
Investigation Required Yes

Person Responsible ESPOSITO, ANDREW Target Date Wednesday, November 12, 2008

3. Incident Report Investigation Details:

Fill out the details of the investigation below:

Investigation Participants: Andrew Esposito, Baldemar Martinez, Calvin Cauley

Detailed Description:

Driver for Evans Oil Company was unloading diesel at the bulk fuel tank in Area 3, Runyon Farm. A problem with the hose resulted in a discharge of approximately 15 gallons of fuel on the ground. Asst. Farm Manager Baldemar Martinez began remediation immediately. Contaminated soil was removed and stockpiled. Soil was placed on top of plastic sheeting and covered. Soil will be sent for proper disposal to permitted landfill.

Immediate Cause(s) and Investigation Findings:

Then General Manager of Evans Oil reviewed the site of the spill on October 27. He apologized for the incident and said Evans would reimburse USSC for the cost of the clean-up. He added that Evans would add additional clips to the hose that connects to the tank fill port to prevent the hose from slipping off as was the case here.

Root Cause Analysis Tool

Identify the Root Cause that could have caused this Incident. Select as many items from the list below that apply and click Select. Note: A Corrective Action is Needed for each Root Cause.

Root Cause Other

4. Corrective/Preventive Actions associated with this Incident Report:

Use the buttons below to add or remove a Corrective/Preventive Action relating to this Incident Report:

View/Edit	Type	Action Required	Person Responsible	Target Date	Completion Date	Completion Notes	Select/Deselect
00416	Corrective	Ship contaminated soil from spill to CSH for disposal at permitted landfill.	CAULEY, CALVIN	Saturday, November 22, 2008	Tuesday, November 18, 2008	transported 2 2-ton truck loads of material to the clewiston mill. Kenny Williams was at the site and accepted the material.	<input type="checkbox"/>

Investigation Completion

Please ensure sub-Incidents have been closed before closing the Incident. To close the Incident enter comments below, and specify the Date Closed.

Investigators Comments

Investigated By

ESPOSITO, ANDREW

Investigation Saturday, November
Completed 01, 2008**Associated Documents**[Click to
View](#)**Document Name**

No Data Returned

EHS Coordinator - Final Review and Closing

Please review this incident report and determine whether an incident investigation is required, then fill in the details below

EHS Coordinator's Comments

Closed By

ESPOSITO, ANDREW

Date Closed Monday, December
22, 2008**Message Center**[New Comment](#)[New Email](#)[Delete](#)**Creator****Title / Subject****Message
Task****Replies Pending Recipient****Date Sent**

No Data Returned

INTELEX

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Ed Almeida

From: Rick J. Burgess [RBurgess@gunster.com]
Sent: Friday, September 19, 2008 4:12 PM
To: kburns@sfwmd.gov; mcrough@sidley.com
Subject: PCC documents
Attachments: 20080919144340616.pdf

Maureen and Kirk- as we discussed earlier this week-attached are the PCC documents we intended to include on Schedule 8.17. Also- with reference as to why we modified the definition of Buyer's Environmental Assessment, the answer is- in order to conform it to the content of the definition of Buyer's Environmental Notice-section (i) .
Rick

Rick J. Burgess
Shareholder
Gunster, Yoakley & Stewart, P.A.
450 East Las Olas Blvd., Suite 1400
Fort Lauderdale, FL 33301
(954) 468-1363
(954) 523-1722 (fax)
rburgess@gunster.com

2. COUNTY Palm Beach
3. FARM NUMBER 134
4. SHEET 2 OF 2

(Continuation Form)

ITEM NUMBERS FROM	TRACT NUMBER
SCS-CPA-026	

FIELD NUMBERS

ALLEN
(subord)

[illegible]

REMARKS:

USDA AACS
County Office

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

1. These acres need to be included in the totals on the parent SCS-CPA-026 form.

Soil Conservation Service **JAMES HAYNES** SCS-CPA-026 (1-88) 1. Name and Address of Person **U.S. Sugar Corp.** 2. Date of Request **11/12/87**
HIGHLY ERODIBLE LAND AND WETLAND **P.O. Drawer 1207** 3. County **Palm Beach**
CONSERVATION DETERMINATION **Clewiston, FL 33440**

4. Name of USDA Agency or Person Requesting Determination **ASCS** 5. Farm No. and Tract No. **FSN 311 (for tract #s see CPA-026A)**

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination? ☒ Yes ☐ No Field No.(s) Total Acres

7. Are there highly erodible soil map units on this farm? ☐ Yes ☒ No Field No.(s) Total Acres

8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1986.

9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1986; and were not enrolled in a USDA set-aside or diversion program.

10. This Highly Erodible Land determination was completed in the Office ☒ Field ☐

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydric soils on this farm? ☒ Yes ☐ No Field No.(s) Total Wetland Acres

List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:

12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.

13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.

14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.

15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.

RECEIVED
HENRY

JUN 30 1988

NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.

USDA ASCS
County Office

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See Item 16 for information on CW.

19. This wetland determination was completed in the Office ☒ Field ☐

20. This determination was: Delivered ☐ Mailed ☒ To the Person on Date: **6/21/88**

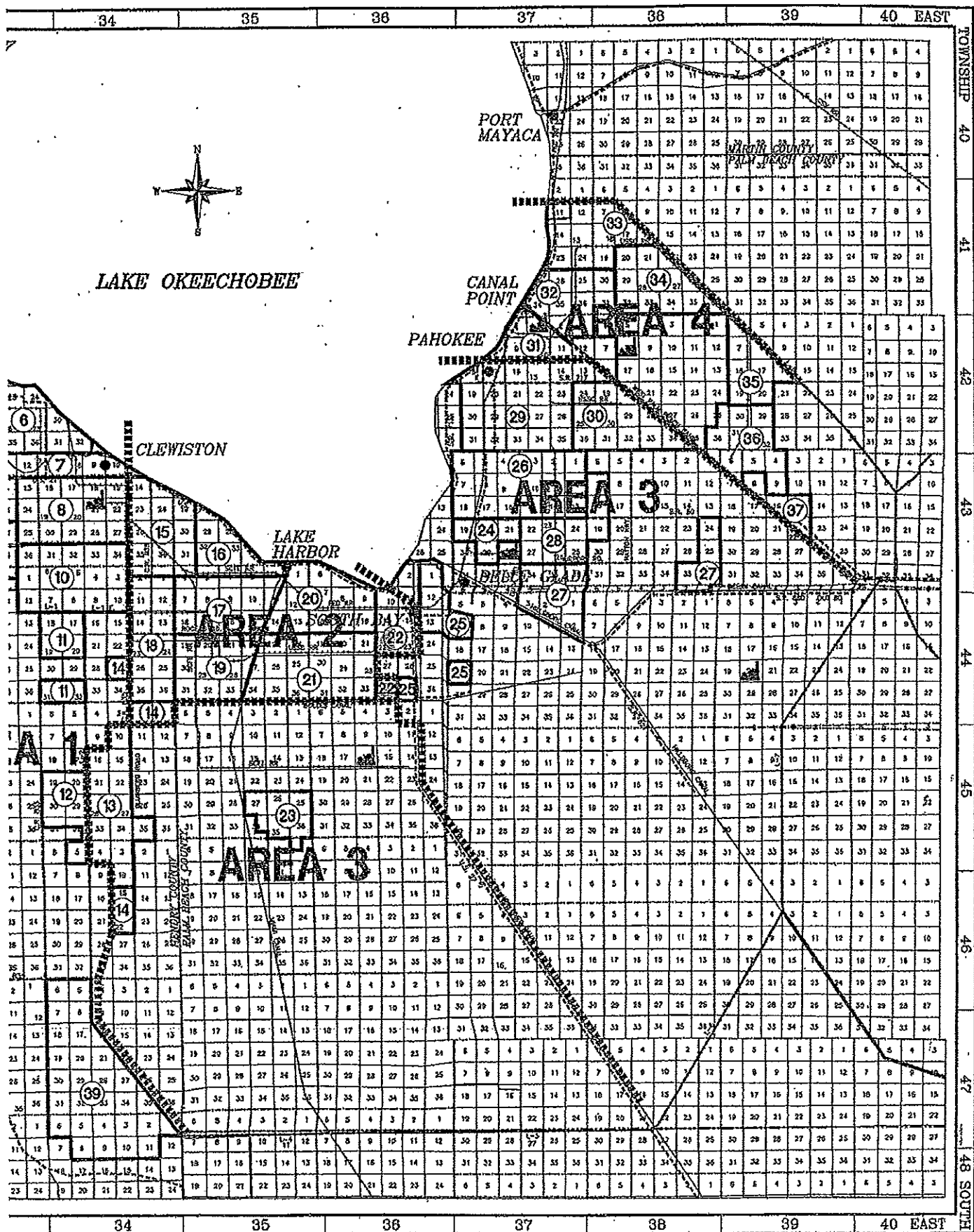
NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

22. Signature of SCS District Conservationist **[Signature]** 23. Date **6/21/88**

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.



U.S.D.A.
Soil Conservation Service

SCS-CPA-028
(1-88)

1. Name and Address of Person
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. Date of Request
11/12/87

3. County
Hendry Co.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

4. Name of USDA Agency or Person Requesting Determination
ASCS

5. Farm No. and Tract No.
FSN 311

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
	X			
7. Are there highly erodible soil map units on this farm?		X		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				
10. This Highly Erodible Land determination was completed in the: Office <input checked="" type="checkbox"/> Field <input type="checkbox"/>				

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
	X			
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.			See attached CPA 026	1380 +639.5
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			See attached CPA 026	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.			See attached CPA 026	
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.			N/A	

NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.			-0-	-0-
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17. The planned alteration measures on wetlands in fields N/A are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields N/A are not considered to be maintenance and if installation will cause the area to become a Converted Wetland (CW). See Item 16 for information on CW.

19. This wetland determination was completed in the: Office ☒ Field ☐

20. This determination was: Delivered ☒ Mailed ☐ To the Person on Date: 6/21/88 Revised 12/9/88

X NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

X NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1028 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks The areas marked "W" are considered wetlands and cannot be altered or destroyed. The areas marked "PC" were converted prior to 12-23-85 and are in compliance. There are no violations of FSA.

This determination only covers land on attached photos.

22. Signature of SCS District Conservationist

David L. Rittledge

23. Date

12-19-88

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

Completed 1-23-92 DR on 85 with 8000sq ft 25' PB & 40' width 90' PB

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P.O. Drawer 1207
Clewiston, FL 33440

2. COUNTY
Hendry
3. FARM NUMBER FSN 311
4. SHEET 1 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										AGRES (subtotal)?
12	12 46 32											18.
12	13 46 32											18. 17.2
12	24 46 32											18. 69
12	25 46 32											55.5 56
12	26 46 32											28. 43.5
12	27 46 32											15. 2.0
12	34 46 32											13.0 13
12	35 46 32											34.5
12	36 46 32											29.
12	9 43 32											1.0
12	10 43 32											1.5
13	10 43 32											2.0
12	11 43 34											23.0
13	11 43 32											1.0
12	12 43 32											9.0
13	12 43 32											4.5

REMARKS:

Page totals

Code 12 33(394.5ac
Code 13 7.5 7.5ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

* These acres need to be included in the totals on the parent SCS-CPA-026 form.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION (Continuation Form)

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. COUNTY
Hendry
3. FARM NUMBER 131
4. SHEET 2 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										ACRES (subtotal)
13	14 43 32										OK	6.0
13	15 43 32											3.5
13	16 43 32											14.0
13	21 43 32											16.0
12	28 43 32											2.0
13	18 43 32											1.5
14	768 43 34											4.0
13	869 43 34											30.0
12	18 43 34											6.0
13	18 43 34											8.0
13	17 43 34											2.0
12	19 43 34											5.0
14	21 43 34											122.0
12	13624 43 34											0.0
13	27 43 34											11.0
14	28 43 34											40.0

REMARKS:

Page Totals

Code 12 13.0 ac
Code 13 92.0 ac
Code 14 166.0 ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

186

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION
(Continuation Form)

3. FARM NUMBER ESN 311
4. SHEET 4 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS																ACRES (Subtotal)
13	18 43 34																	1.5
13	24 43 33																	2.0
12	25 43 33																	5.0
12	36 43 34																	7.0 7.5
13	36 43 33																	1.0 1.5
13	12 44 33																	12.0
12	12 44 33																	6.0
12	1 48 34																	6.0
13	1 48 34																	352.0
12	2 48 34																	34.5 17
13	2 48 34																	208.0
12	3 48 34																	43.0 23
12	4 48 34																	19.0 14
12	5 48 34																	42.0
12	6 48 34																	96.5 100.5
12	8 48 34																	15.0 45.5

REMARKS:

Page Totals

Code 12 334.0 ac 270.5
Code 13 576.5 ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION
(Continuation Form)

3. FARM NUMBER
4. SHEET 5 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										ACRES (Subtotal)
12	9 48 34											28.5
12	10 48 34											21.0
12	11 48 34											43.0 18.5
13	1 47 34											20.5 2.5-5
13	2 47 34											543.6
13	3 47 34											559.5
13	3&4 47 34											296.0
13	4 47 34											542.5
12	4 47 34											97.0
13	4 47 34											2.5
12	5 47 34											157.5
13	5 47 34											16.5 15
12	6 47 34											36.0 22.37
13	6 47 34											10.5
12	6&7 47 34											47.5 48.5
13	6&7 47 34											61.5 48.5

REMARKS:

Page totals Code 12 211.0 ac
Code 13 2,250.1 ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION
(Continuation Form)

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. COUNTY Hendry
3. FARM NUMBER FSN 311
4. SHEET 6 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										ACRES (estimated) ±
12	7 47 34											10.0
12	8 47 34											26.5
13	8 47 34											18.0
12	9 47 34											17.5
13	9 47 34											223.0
13	10 47 34											219.6
13	10 47 34											151.0
13	11 47 34											294.5
13	12 47 34											298.6
13	12 47 34											972.6
13	14 47 34											679.0
13	14 47 34											472.6
13	15 47 34											954.0
12	17 47 34											58.0
13	17 47 34											6.0
12	18 47 34											34.5

REMARKS:

Page Totals

Code 12 117.5 142.5 ac
Code 13 9286.9 4,288.90 ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION
(Continuation Form)

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. COUNTY
Hendry
3. FARM NUMBER
FSN 311
4. SHEET 1 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										ACRES (subtotal) ¹
13	18 47 34											8.5
12	16 47 34											7.5
13	16 47 34											57.0
12	19 47 34											22.0
13	19 47 34											6.5
12	21 47 34											40.0
13	20 47 34											36.5
12	20 47 34											4.5
13	20 47 34											307.0
12	22 47 34											610.1
13	23 47 34											646.9
13	24 47 34											607.1
13	25 47 34											228.5
13	26 47 34											617.2
12	27 47 34											31.5

REMARKS:

Page Totals

Code 12 12 7.5 14.8 ac
Code 13 3,093.3 ac

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

¹ Values are need to be included in the totals on the parent SCS-CPA-026 form.

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P. O. Drawer 1207

2. COUNTY

Hendry

3. FARM NUMBER FSN 37

4. SHEET 9 OF 9

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER
----------------------------------	--------------

FIELD NUMBERS

ACRES
(subtotal)¹

[illegible]

REMARKS:

Acreage Totals

Code 12	4639.5 ac	1380
Code 13	41,464.5 ac	11163
Code 14	166.0 ac	

Page Total

Code 13

495.2

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These series need to be included in the totals on the parent SCS-CP A-026 form

U.S. Department of Agriculture Soil Conservation Service HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION	SCS-CPA-026 (1-88)	1. Name and Address of Person U.S. Sugar Corp. P. O. Drawer 1207 Clewiston, FL 33440	2. Date of Request 11/12/87
			3. County Glades

4. Name of USDA Agency or Person Requesting Determination ASCS	5. Farm No. and Tract No. FSN 311
---	--------------------------------------

SECTION I -- HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
	X			
7. Are there highly erodible soil map units on this farm?		X		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				
10. This Highly Erodible Land determination was completed in the: Office <input checked="" type="checkbox"/> Field <input type="checkbox"/>				

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II -- WETLAND

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
	X			
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W) - including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.			See attached CPA 026	104.8
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			See attached CPA 026	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These wetlands are not subject to FSA.			N/A	
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.			N/A	N/A

NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				
--	--	--	--	--

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office ☒ Field ☐

20. This determination was: Delivered ☒ Mailed ☐ To the Person on Date: 6/21/88 revised 10/13/88

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks Areas marked "PC" are prior converted wetlands and are in compliance with FSA. Areas marked "W" are wetlands, and cannot be altered or destroyed. There are no violations of FSA on these maps.

22. Signature of SCS District Conservationist _____ 23. Date 6/20/88

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

Person Copy

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

(Continuation Form)

U.S. Forest Corp.
200 Highway 1207
Clarksburg, W. Va. 26340

3. FARM NUMBER
4. SHEET 1 OF 3

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS																ACRES (subtotal) ¹
12	28850																	3.
13																		189.5
14																		121.2
15																		439.8
16																		20.9
17																		272.8
18																		8.9
19																		154.8
20																		5.5
21																		19.0
22																		24.2
23																		465.4

REMARKS:
REVISED 10/23/88

PAGE TOTALS

Code 12 104.8
Code 13 1,643.6

E. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These areas need to be included in the totals on the parent SCS-CPA-026 form.

SCS-CPA-026A
1-68

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

(Continuation Form)

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P.O. Box 1487
Greenville, SC 29603

2. COUNTY
Greenville

3. FARM NUMBER

4. SHEET 1 OF 3

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS										ACRES (Subtotal)
12	2700											-0-
13												210.9
12												-0-
13												109.1
12												-0-
13												662.1
12												-0-
13												-0-
12												-0-
13												285.0
12												-0-
13												162.0
12												-0-
13												373.0
12												-0-
13												558.8
12												-0-
13												581.0

REMARKS: Revised 10/13/68

Page 10 of 15

Date 12 -0-
Code 15 2,347.9

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

1. These areas need to be included in the totals on the parent SCS-CPA-026 form.

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SCS-CPA-026A
1-83

1. NAME AND ADDRESS OF PERSON

2 COUNTY

5,
9

4

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

(Continuation Form)

U. S. - Soviet Cooperation:
2. O. Drenow 1207
Cheshelton 2440
of

4. SHEET

১৫
 JMB
 ১৬

OF
ER

[illegible]

REMARKS: "i" 10/1/73 1000

12. Other

FOR OFFICIAL USE ONLY

Case 1:27-cv-01777

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

5. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

U.S.D.A.
Soil Conservation Service

SCS-CPA-028
(June 91)

1. Name and Address of Person

USS
80 1207

Chaviston PL 33440

2. Date of Request

5-5-93

3. County

Henderson

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name of USDA Agency or Person Requesting Determination

ASCS

5. Farm No. and Tract No.

SECTION I - HIGHLY ERODIBLE LAND

Is soil survey now available for making a highly erodible land determination? Yes ☒ No ☐
Are there highly erodible soil map units on this farm? Yes ☐ No ☒
List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

FIELD NO.(s)

TOTAL ACRES

No

No

List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.

No

No

This Highly Erodible Land determination was completed in the: Office ☒ Field ☐

SECTION II - WETLAND

Are there hydric soils on this farm? Yes ☒ No ☐
Wetlands (W); including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.

FIELD NO.(s)

TOTAL ACRES

No

No

Prior Converted Cropland (PC). Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to the wetland conservation provisions unless the area reverts to wetland as a result of abandonment.

YES

6.5 AC

Artificial Wetlands (AW). Artificial wetlands include irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.

No

No

Minimal Effect Wetlands (MW). These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.

Mitigation Wetlands (MW). Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.

Restoration with Violation (RWV-year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.

Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.

Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.

Good Faith Wetlands (GFW-year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.

Converted Wetlands (CW). Wetlands converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.

Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.

Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.

Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by SCS.

The planned alteration measures on wetlands in fields NA are considered maintenance and are in compliance with FSA.

The planned alteration measures on wetlands in fields NA are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See Item 22 for information on CW+year.

The wetland determination was completed in the office ☒ field ☐ and was delivered ☐ mailed ☒ to the person on 5-2-93

Remarks:

Chairs marked SC can be farmed as it was prior to 1985.

I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits, and that wetland hydrology, hydric soils, and hydrophytic vegetation under normal circumstances exist on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.

30. Signature of SCS District Conservationist

31. Date

Daniel C. Rutledge

5-2-93

assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, or handicap.

att: Pepe Lopez

SCS Copy
OWNER

U.S. DAPHNE CORPORATION
P.O. DRAWER 1207
CLEWISTON, FL. 33440

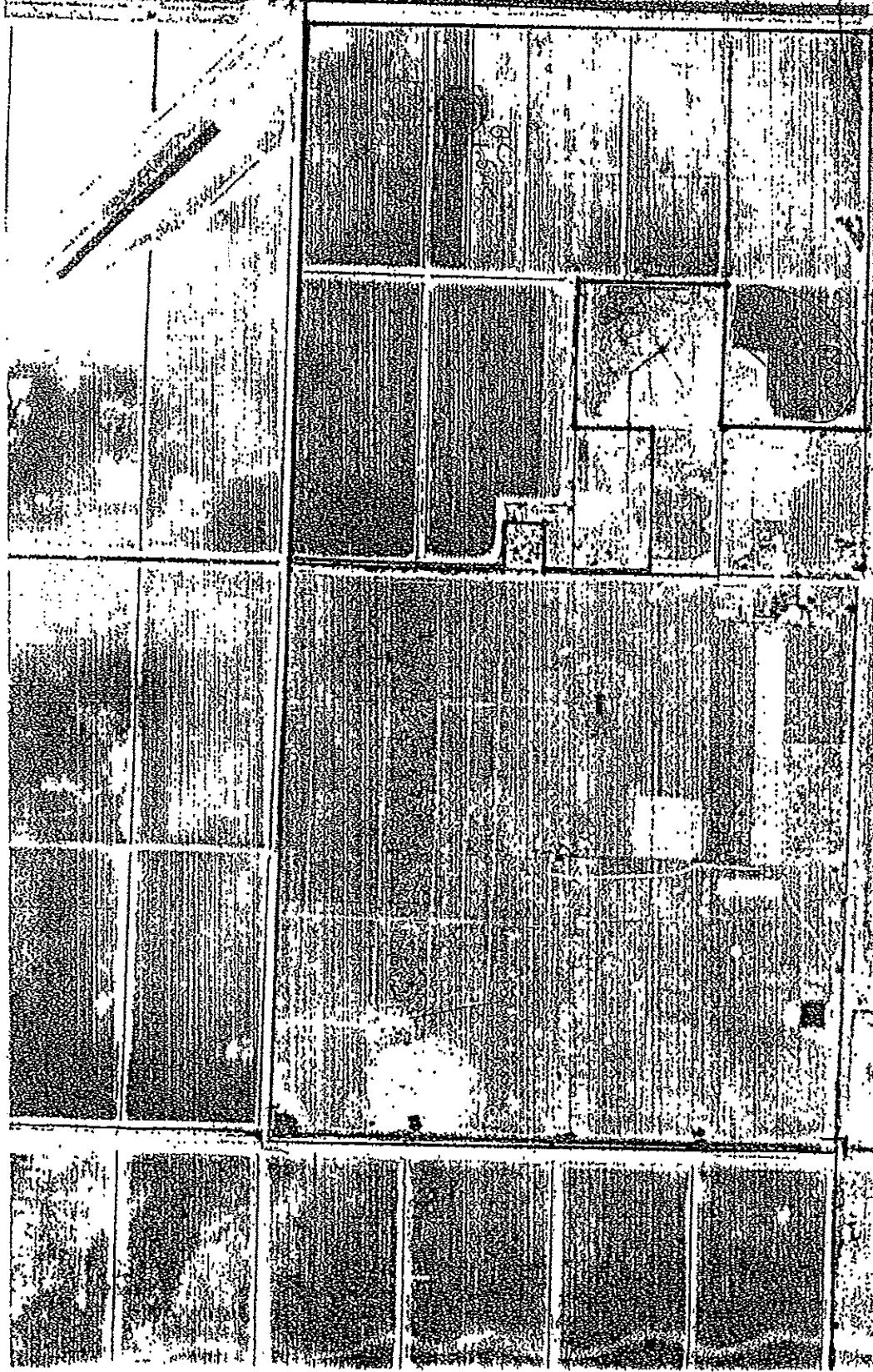
Hendray County
Twp. 43 Range 34
Sec. 23 (5044)

344P 22

2-22

2-22

2-22



PART OF DUNWODY

U.S.D.A.
Soil Conservation Service

SCS-CPA-028
(1-88)

1. Name and Address of Person

U.S. Sugar
P.O. Box 1207
Gainesville FL 32640

2. Date of Request

4-28-90

3. County

Alachua

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

4. Name of USDA Agency or Person Requesting Determination

RSCS

5. Farm No. and Tract No.

374

44

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
7. Are there highly erodible soil map units on this farm?	X			
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.		X	NA	NA
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.			NA	NA
10. This Highly Erodible Land determination was completed in the Office <input checked="" type="checkbox"/> Field <input type="checkbox"/>				

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.			YES	65/5
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			N/A	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.			N/A	
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.			N/A	N/A

NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.			N/A	N/A
--	--	--	-----	-----

17. The planned alteration measures on wetlands in fields NA are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields NA are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the Office ☒ Field ☐

20. This determination was: Delivered ☐ Mailed ☒ To the Person on Date: 5-3-90

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks
The farmer indicated a "cann" and that there are no agricultural commodities produced.

22. Signature of SCS District Conservationist

G. Michael D. [Signature]

23. Date

5-3-90

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

2. COUNTY

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION (Continuation Form)

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS	ACRES (subtotal)
28-43-32	12		3 AC
11	13		2 AC
7-43-33	12		11.5 AC
11	13		9 AC
22-43-33	12		3.5 AC
41	13		6 AC
33-43-32	12		0
41	13		0

MEMBERS

5. SIGNATURE OF SOS DISTRICT CONSERVATIONIST

6. DATE

⁴ These acres need to be included in the totals on the parent SCS-CBA-026 form.

LAST (JUN - 1989) (DEC - 89)

U.S.D.A.
Soil Conservation Service

BCS-GPA-026
(1-88)

1. Name and Address of Person
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. Date of Request
1-31-89

3. County
Glades, Hendry

**HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION**

JUN 1989
RECEIVED
ENGINEERING

4. Name of Person Requesting Determination
ABSS

5. Farm No. and Tract No.
FSN 311

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?

Yes	No	Field No.(s)	Total Acres
XXXXX			

7. Are there highly erodible soil map units on this farm?

Yes	No	Field No.(s)	Total Acres
	XXX		

8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1988.

9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1988; and were not enrolled in a USDA set-aside or diversion program.

10. This Highly Erodible Land determination was completed in the Office ☒ Field ☐

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydro soils on this farm?

Yes	No	Field No.(s)	Total Wetland Acres
XXXXX			

List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:

12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.

13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.

14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.

15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on those Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.

Yes	No	Field No.(s)	Total Wetland Acres
		See attached CPA-026A	522.6 543.6
		See attached CPA-026A	
		See attached CPA-026A	
		N/A	
		N/A	

17. The planned alteration measures on wetlands in fields N/A are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields N/A are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See Item 16 for information on CW.

19. This wetland determination was completed in the Office ☐ Field ☒

20. This determination was Delivered ☐ Mailed ☒ To the Person on Date: 6/6/89

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks: The areas marked "W" are considered wetlands and cannot be altered or destroyed to produce an ag commodity crop. The areas marked "PC" were prior converted and are in compliance with FSA '85'. This determination was revised 3/31/89 and 6/5/89.

22. Signature of SCS District Conservationist: [Signature]

23. Date: 6-6-89

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

DUNWOODY (ANNEX - HICPOWHEES - DOVESPIKE)

SCS-CPA-026A
1-88

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION
(Continuation Form)

1. NAME AND ADDRESS OF PERSON
U.S. Sugar Corp.
P. O. Drawer 1207
Clewiston, FL 33440

2. COUNTY Glades
Palmdale
3. FARM NUMBER 311
4. SHEET 1 OF 1

ITEM NUMBERS FROM SCS-CPA-026	TRACT NUMBER	FIELD NUMBERS			ACRES (subtotal)
		S	T	R	
12	Glades Co.	31	47	32	14.5
13	Glades Co.	31	42	32	6.0
12	Hendry Co.	7.8	43	52	20.5
12	Hendry Co.	26	43	52	267.5
12	Hendry Co.	1.2	44	32	241.1
13	Hendry Co.	3	44	32	21.5
12	Hendry Co.	34	43	32	10.00
REMARKS:					

Totals
Acres 522.5
Code 12 522.5
Code 13 2755

5. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

6. DATE

These acres need to be included in the totals on the parent SCS-CPA-026 form.

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

CASE NO.:

50 2009 CA 000032 XXXXNB

TANYA MARIE
GIBSON-WIMALASEKERA,
as personal representative of the Estate of
KUMBUKKAGE T. WIMALASEKERA,
deceased,

Plaintiffs,

Vs.

① SUGAR FARMS CO-OP, and
② UNITED STATES SUGAR
CORPORATION d/b/a
FLORIDA SUGAR FARMERS,

Defendant.

FILED
09 JAN -2 PM 1:16
SHARON R. BECK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 3

ON

COMPLAINT

COME NOW, the Plaintiff, TANYA MARIE GIBSON-WIMALASEKERA ("TANYA WIMALASKERA"), as personal representative of the Estate of KUMBUKKAGE T. WIMALASEKERA, deceased, by and through their undersigned attorneys and sues the Defendants, SUGAR FARMS CO-OP ("SUGAR FARMS"), and UNITED STATES SUGAR CORPORATION d/b/a FLORIDA SUGAR FARMERS, FLORIDA, INC. ("SUGAR CORP."), and as grounds therefore would allege:

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00) and is brought under the Florida Wrongful Death Act, Florida Statutes §768.16, et seq.

2. Plaintiff, TANYA WIMALASKERA, was and is the spouse of KUMBUKKAGE T. WIMALASEKERA, deceased.
3. Plaintiff, TANYA WIMALASKERA, is the duly appointed Personal Representative of the Estate of KUMBUKKAGE WIMALASEKERA, appointed by the Circuit Court of PALM BEACH County, Florida and they bring this suit in her capacity as the Personal Representative. Attached as Exhibit "A" is a true and correct copy of the Letters of Administration.
4. At all times material hereto, the Plaintiff, TANYA WIMALASKERA, is and was a resident of Palm Beach County, Florida.
5. At all times material hereto, the decedent, KUMBUKKAGE WIMALASEKERA, was a resident of Palm Beach County, Florida.
6. At all times material hereto, SHRIYANTHA WIMALASKERA was and is the natural child of the Decedent, KUMBUKKAGE WIMALASKERA (DOB 8/31/1992).
7. At all times material hereto, ASANGA WIMALASKERA was and is the natural child of the Decedent, KUMBUKKAGE WIMALASKERA (DOB 6/30/1994).
8. At all times material hereto, all of the matters complained of occurred in Palm Beach County, Florida.
9. At all times material hereto, the decedent KUMBUKKAGE WIMALASEKERA, upon his death left as survivors, as defined by Florida Statute §718.18, his spouse, TAYNA WIMALASKERA, and two minor children, ASANGA WIMALASKERA (D.O.B. 6/30/1994) and SHRIYANTHA WIMALASKERA (D.O.B. 8/31/1992).

10. At all times material hereto, the Defendant, SUGAR FARMS, was and is a corporation, authorized to do business in the State of Florida, and in fact, doing business in Palm Beach County, Florida.

11. At all times material hereto, the Defendant, SUGAR FARMS, owned, operated, maintained and/or controlled an unnamed dirt road located north of State Road 700, Palm Beach County, Florida.

12. At all times material hereto the Defendant, SUGAR CORP., was and is a corporation, authorized to do business in the State of Florida, and in fact, doing business in Palm Beach County, Florida.

13. At all times material hereto, the Defendant, SUGAR CORP., owned, operated, maintained and/or controlled an unnamed dirt road located north of State Road 700, Palm Beach County, Florida.

14. On or about May 28, 2007, at the above stated location, KUMBUKKAGE WIMALASEKERA was riding his 2001 KTM 640 Adventure Motorcycle.

15. At said time and place, no signage was present advising of private property.

16. At said time and place, the Defendants by and through their agents, apparent agents, servants and/or employees, carelessly and negligently allowed a steel cable across the subject dirt road.

17. The Defendants knew or should have known of the dangerousness of the steel cable across the subject dirt road.

18. In addition, the Defendants, by and through its employees, failed to properly and adequately warn KUMBUKKAGE WIMALASEKERA, verbally or through

signage, of the known dangerous condition, after observing KUMBUKKAGE WIMALASEKERA on the property.

19. As a result of the said negligence, on or about May 28, 2007, KUMBUKKAGE WIMALASEKERA was fatally injured when he came in contact with the steel cable while riding his motorcycle on the subject dirt road.

COUNT I
NEGLIGENCE OF SUGAR FARMS

Plaintiff reallege and reaver Paragraphs 1 through 19 above as if fully set forth herein, and would further state:

20. At all times material hereto, Defendant, SUGAR FARMS, by and through its employees, agents, and/or servants had a duty to maintain its premises in a reasonably safe condition so as to prevent injury to individuals and/or invitees, and in particular, to KUMBUKKAGE WIMALASEKERA.

21. At all times material hereto, Defendant, SUGAR FARMS, by and through its agents, employees, and/or servants, breached this duty as follows:

- a. failing to maintain the premises in a reasonably safe condition so as to prevent injury to individuals and/or invitees;
- b. failing to properly inspect the premises so as to avoid unreasonably dangerous conditions;
- c. failing to adequately warn individuals and/or invitees of unsafe conditions;

22. As a direct, proximate and foreseeable result of the negligence of the Defendant, SUGAR FARMS, KUMBUKKAGE WIMALASEKERA was fatally injured.

23. As a direct, proximate and foreseeable result of the above-described negligence and resulting death of KUMBUKKAGE WIMALASEKERA, the decedent's estate and its survivors suffered damages in the following regards:

- a. The ESTATE OF KUMBUKKAGE WIMALASEKERA is entitled to recover the loss of earnings of the deceased from the date of injury to the date of death; loss of prospective net accumulations beyond the date of death reduced to present money value; funeral expenses due to the Decedent's death; and the Estate is entitled to recovery for the Decedent's pain and suffering from the time the incident in question began to occur until the time of his death; and
- b. TANYA WIMALASEKERA, as spouse of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death; and
- c. ASANGA WIMALASEKERA, as minor dependent child of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death.
- d. SHRIYANTHA WIMALASKERA, as minor dependent child of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death.

WHEREFORE, Plaintiff, TANYA MARIE GIBSON-WIMALASEKERA, as personal representative of the Estate of KUMBUKKAGE WIMALASEKERA, hereby demands judgment against the defendant, SUGAR FARMS, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT II
NEGLIGENCE OF SUGAR CORP.

Plaintiff reallege and reaver Paragraphs 1 through 19 above as if fully set forth herein, and would further state:

24. At all times material hereto, Defendant, SUGAR CORP., by and through its employees, agents, and/or servants had a duty to maintain its premises in a reasonably safe condition so as to prevent injury to individuals and/or invitees, and in particular, to KUMBUKKAGE WIMALASEKERA.

25. At all times material hereto, Defendant, SUGAR CORP., by and through its agents, employees, and/or servants, breached this duty as follows:

- d. failing to maintain the premises in a reasonably safe condition so as to prevent injury to individuals and/or invitees;
- e. failing to properly inspect the premises so as to avoid unreasonably dangerous conditions;
- f. failing to adequately warn individuals and/or invitees of unsafe conditions;

26. As a direct, proximate and foreseeable result of the negligence of the Defendant, SUGAR CORP., KUMBUKKAGE WIMALASEKERA was fatally injured.

27. As a direct, proximate and foreseeable result of the above-described negligence and resulting death of KUMBUKKAGE WIMALASEKERA, the decedent's estate and its survivors suffered damages in the following regards:

- a. The ESTATE OF KUMBUKKAGE WIMALASEKERA is entitled to recover the loss of earnings of the deceased from the date of injury to the date of death; loss of

prospective net accumulations beyond the date of death reduced to present money value; funeral expenses due to the Decedent's death; and the Estate is entitled to recovery for the Decedent's pain and suffering from the time the incident in question began to occur until the time of his death; and

- b. TANYA WIMALASEKERA, as spouse of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death; and
- c. ASANGA WIMALASEKERA, as minor dependent child of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death.
- d. SHRIYANTHA WIMALASKERA, as minor dependent child of the deceased, has suffered loss of society, companionship, instruction, guidance, nurture, and mental pain and suffering from the date of injury; and sustained the loss of support and services of the deceased from the date of death.

WHEREFORE, Plaintiff, TANYA MARIE GIBSON-WIMALASEKERA, as personal representative of the Estate of KUMBUKKAGE WIMALASEKERA, hereby demands judgment for damages against the Defendant, SUGAR CORP., together with costs and demands trial by jury of all issues triable as of right by jury.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served with the
Summons.

Dated: June 23, 2008

KRUPNICK, CAMPBELL, MALONE,
BUSER, SLAMA, HANCOCK,
LIBERMAN & MCKEE, P.A.
Attorneys for Plaintiffs
700 Southeast Third Avenue
Courthouse Law Plaza, Suite 100
Fort Lauderdale, Florida 33316
(954) 763-8181

BY: 

JOSEPH J. SLAMA, ESQ.
Florida Bar No. 476171

USSC MAIN LINE RAIL AND TIE CONDITION

YEAR LAID	WEIGHT	AGE	LENGHTS	CONDITION	MANUFACTURER
Clewiston Yard	85	1910	33'	GOOD	STEELTON
Clew. Main South	85	1920	33'	Good	Illinois
Clew. Main West	85	1915	33'	Good	Maryland
Bryant Yard	85	1910	33'	Good	Maryland
Bryant - North	85	1910	33'	Good	Illinois
Bryant - South	85	1915	33'	Good	Colorado
Bryant - West	85	1915	33'	Good	Colorado

TIE CONDITION

Number of ties per mile 3,300

Number of functional ties per mile: 75%

United States Sugar Corporation

Railroad System Timetables

Effective September 1, 2008

EASTERN DIVISION BRYANT TO END OF TRACK

(BB)

AUTHORIZED SPEED	MILEPOST	STATION	TRACK DIAGRAM	AUTH FOR MOVEMENT	BLOCK NAME	NOTES
10		BRYANT	N	YARDMASTER		1
35	1			DTC	BOURNE	
35	2.11	BOURNE #2		OTM/DTG		
35	4.82	BOURNE #3		DTG		
35	5.71	BOURNE #4		OTM/DTG		
35	9.28	BOURNE #5		OTM/DTG		
35	10.91	BOURNE #6		OTM/DTG		
	13.8				BOY	
35	14.92	BOY #1		OTM/DTG		
35	17.28	BOY #2		OTM/DTG		
	18.0				GLADE	
35	18.93	BOY #3		OTM/DTG		
	19.7	END OF MAIN TRACK		OTM/DTG		

Note 1: Trains arriving and departing Bryant Yard are under the control of the Bryant Yardmaster. Permanent Speed Restriction of 10 M.P.H. is in effect on the Wye Track. This speed restriction is for entire train. Trains instructed to hold out will not pass the road crossing at Highway 98 unless instructed by the Yardmaster.

EASTERN DIVISION MARTINEZ JCT TO END OF TRACK (BM)

AUTHORIZED SPEED	MILEPOST	STATION	TRACK DIAGRAM	AUTH FOR MOVEMENT	BLOCK NAME	NOTES
10	2.41	MARTINEZ JCT	E ↓	DTC	MARTY	1 & 1A
35	4.88	W. SWITCH MARTINEZ		DTC		
35	5.24	MARTINEZ		DTC/OTM		2
35	5.61	E. SWITCH MARTINEZ		DTC		
B	5.97	END OF TRACK		DTC		

Note 1 & 1A: Trains operating on Martinez Sub will be under DTC Control. DTC Authority will be issued by Yardmaster - Bryant.
 (1A:) Trains entering or leaving Martinez Sub will not exceed 10 (ten) M.P.H. through hand operated switch entering and leaving Sub. This restriction applies to the entire train.

Note 2: Trains operating in these locations will require DTC Authority when operating on Main Track. Sidings at Elevators are considered Other Than Main Track, and covered by Operating Rule 30

EASTERN DIVISION BRYANT TO END OF TRACK (BP)

AUTHORIZED SPEED	MILEPOST	STATION	TRACK DIAGRAM	AUTH FOR MOVEMENT	BLOCK NAME	NOTES
15		BRYANT	S	YARDMASTER		1
10	0.00	SOUTH- WYE SWITCH		DTC	BIRD	
35	0.45	BRYANT 1		OTM/DTC		3
35	2.41	MARTINEZ 1CT		DTC		2
35	3.41	PELICAN 1		OTM/DTC		
35	4.41	PELICAN 2		OTM/DTC		
35	4.79				SHORE	
35	5.61	E SHORE 1		OTM/DTC		
35	6.65	E SHORE 3		OTM/DTC		
35	8.68	PREWITT 1		OTM/DTC		
35	9.81				PREWITT	
35	11.08	PREWITT 2		OTM/DTC		
35	11.69	PREWITT 3		OTM/DTC		
15	12.11	S SWITCH PREWITT 3		OTM/DTC		
	12.51	END OF MAIN TRACK		DTC		

Note 1: Trains arriving and departing Bryant Yard are under the control of the Bryant Yardmaster. Permanent Speed Restriction of 10 M.P.H. is in effect on the Wye Track. This speed restriction is for entire train. Trains instructed to hold out will not pass the north switch Bryant 1 unless instructed by the Yardmaster.

Note 2: Trains operating on Martinez Sub. Will be under DTC Control. Authority will be issued by Yardmaster - Bryant.

Note 3: Trains operating in these locations will require DTC Authority when operating on Main Track. Sidings at Elevators are considered Other Than Main Track, and covered by Operating Rule 30

WESTERN DIVISION FLAGHOLE JCT. TO END OF TRACK (CF)

AUTHORIZED SPEED	MILEPOST	STATION	TRACK DIAGRAM	AUTH FOR MOVEMENT	BLOCK NAME	NOTES
10	1.40	FLAGHOLE JCT.	W ↓	DTC	FLAG 1	1 & 1A
35	3.70	EAST SW. FLAGHOLE 1		DTC		3
35	4.2	FLAGHOLE 1		DTC/OTM		
35	4.45	WEST SW. FLAGHOLE 1		DTC		
35	4.52	EAST SW. FLAGHOLE 2		DTC		
35	4.75	FLAGHOLE 2		DTC/OTM		
35	5.25	WEST SW. FLAGHOLE 2		DTC		
35	7.5	EAST SW. FLAGHOLE 3		DTC		
35	8.0	FLAGHOLE 3		DTC/OTM		
35	8.30	WEST SW. FLAGHOLE 3		DTC	FLAG 2	
35	9.30	EAST SW. FLAGHOLE 4		DTC		
35	9.80	FLAGHOLE 4		DTC/OTM		
35	10.00	WEST SW. FLAGHOLE 4		DTC		
	10.4	END OF TRACK		DTC		

Note 1 & 1A: Trains operating on Flaghole Sub will be under DTC Control. DTC Authority will be issued by Yardmaster - Clewiston. (2A:) Trains entering or leaving Flaghole Sub will not exceed 10 (ten) M.P.H. through hand operated switch entering and leaving Sub. This restriction applies to the entire train.

Note 3: Trains operating in these locations will require DTC Authority when operating on Main Track. Slidings at Elevators are considered Other Than Main Track, and covered by Operating Rule 30

WESTERN DIVISION CLEWISTON TO END OF TRACK (CW)

AUTHORIZED SPEED	MILEPOST	STATION	TRACK DIAGRAM	AUTH FOR MOVEMENT	BLOCK NAME	NOTES
10		CLEWISTON	S ↓	YARDMASTER		1
	0.80			DTC	TOWN	
35	1.06	TOWNSITE 1		OTM/DTC		3
35	1.4	FLAGHOLE SUB		DTC		2 & 2A
35	4.12	TOWNSITE 2		OTM/DTC		3
35	6.9	TOWNSITE 3		OTM/DTC		3
	7.75	SCFE DIAMOND				4
	8.0				VAUGHN	
35	8.8	VAUGHN 1		OTM/DTC		3
35	10.8	VAUGHN 2		OTM/DTC		3
	12.0				WEATHER	
35	12.5	WEATHERALD 1		OTM/DTC		3
35	13.9	WEATHERALD 2		OTM/DTC		3
35	14.9	WEATHERALD 3		OTM/DTC		3
35	15.9	WEATHERALD 4		OTM/DTC		3
20	16.9	WEATHERALD 5		OTM/DTC		3&5
10	17.28	South Sw. Weatherald 5		OTM		5
10	19.45	END OF MAIN TRACK		OTM		5

Note 1: Trains arriving and departing Clewiston Yard are under the control of the Clewiston Yardmaster. Permanent Speed Restriction of 10 M.P.H. is in effect on the Wye Track. This speed restriction is for the entire train. Trains instructed to hold out will not pass the road crossing at #11 Switch unless instructed by the Yardmaster.

Note 2 & 2A: Trains operating on Flaghole Sub will be under DTC Control. DTC Authority will be issued by Yardmaster - Clewiston. (2A:) Trains entering or leaving Flaghole Sub will not exceed 10 (ten) M.P.H. through hand operated switch entering and leaving Sub. This restriction applies to the entire train.

Note 3: Trains operating in these locations will require DTC Authority when operating on Main Track. Sidings at Elevators are considered Other Than Main Track, and covered by Operating Rule 30

Note 4: Permanent Speed restriction of 10 M.P.H. between MP 7.5 & 8.0. Trains will approach this location prepared to stop short of SCFE trains using diamond.

Note 5: Authority for Movement between MP 17.28 (South Switch Weatherald 5) and MP 19.45 is Rule 30 Other Than Main Track. Maximum Authorized Speed is 10 m.p.h.

United States Sugar Corporation

Railroad Operations

Timetable Special Instructions

Effective September 1, 2008

Clewiston Terminal Special Instructions

1.1

The Molasses Tracks are frequently obstructed with various pieces of equipment and are considered in a congested area. In addition the Molasses Department operates their own Track-Mobile. Prior to using these tracks the Conductor shall insure that the Track-Mobile is not being used and is off-rail.

1.2

When moving on these tracks the Conductor will assume a position which allows for protecting men and equipment.

1.3

Movements on the New Scale Track will be restricted to five (5) M.P.H. USSC Locomotives will NOT operate over the new Molasses scale.

1.4

The Conductor after complying with OR 104-C shall remove the loaded Molasses Cars from the Scale Track and replace them with empty cars as requested by the Westway Personnel. The normal procedure will be to place four (4) empty cars east of the scale and one (1) car on the scale. The West Dump Conductor will coordinate with the Yardmaster to make sure that loaded cars are handed off to the east end in a timely manner for weighing.

2.1

Bad Order cars coming off the dump tracks will be staged to Track 10 when pulled off the dumps.

2.2

The East End jump job will pull and spot the rip as necessary. The Yardmaster on 2-10 shift shall communicate with the Mechanical Department concerning placement of Bad Order cars.

2.3

That track known as the Inside Rip Track has close clearance conditions. Train Crews working this track need to be aware of this condition and take adequate protection by dismounting moving equipment prior to passing through the doors to the repair shop.

2.6

Both Rip Tracks are protected by Blue Flag Derails. The placement and removal of these derails rests with Mechanical Department personnel.

2.7

When spotting Rip Tracks adequate space will be left between cars for the passage of men and equipment. Track Chains will be used to prevent cars from rolling.

3.1

Locomotives are not allowed inside the bays of the Refinery under any circumstances. Railroad personnel are prohibited from entering the refinery building.

3.2

Employees whose duties require that they be on the west side of the bulk loading area will be required to wear hardhats along with any other applicable PPE.

3.3

Cars and locomotives operating over the Sugar Scale shall not exceed 5 miles per hour.

4.1

In the event that a loaded cane car passes through the dump and it is noted that the car is damaged the following will govern, Damaged is defined as a car which has damage to the draft gear, coupler, draw head or any associated apparatus which would prevent normal coupling to either end of the car.

- Any car which is detected to have a broken wheel tread, or excessive tread buildup which, in the judgment of the employee has a probable cause for derailment.
- Any car with obvious dragging equipment (excluding air hoses) which in the opinion of the employee could cause damage to the track structure, the railcar, OR cause probable derailment.
- Prior to the movement of any damaged car as described above the employee will contact the Mechanical Supervisor (or his designee) for guidance in the movement of the car. In the event that the Mechanical Supervisor cannot be contacted, the Yardmaster shall contact the Manager – Railroad Operations for instructions.

If the car arrives in the yard and is known to be damaged as described above the damaged car must be switched out of the cut PRIOR to being shoved to the dump. The car shall be placed in the track designated by the Yardmaster. In such case the Yardmaster will notify the Mechanical Department of the location of the car at the earliest opportunity.

After being placed in the designated track, the damaged car(s) shall not be moved, coupled into, or otherwise disturbed until released by the Mechanical Supervisor or his designee. A clear understanding must be established between the Mechanical Supervisor and the Transportation Department regarding any restrictions placed upon the damaged car(s).

If the damage is observed after the car is shoved to the dump, damaged while being shoved to the dump, or damaged in the dump process, the following shall govern.

- Railroad employee will contact the Yardmaster and be governed by his/her instructions. Yardmaster will contact Mechanical Supervisor (or his designee) who shall inspect the damaged car and if deemed that the car is unsafe for further movement determine the course of action required.
- In the event the damaged car cannot be moved prior to dumping, the Yardmaster shall contact the Watch Engineer explaining the situation so that a determination can be made as to slowing down the grinding process.
- If the damaged car can be SAFELY dumped, as determined by the Mechanical Supervisor (or his designee) it is permissible to dump the damaged car. A Railroad Supervisor shall remain with the damaged car prior to, during, and after the dumping is completed.
- The Railroad Supervisor will direct control of the movement of the damaged railcar(s) and shall maintain positive communication with the railroad crew and dump operator to the extent necessary that the dumping can be safely stopped if required.
- Prior to the car being removed from the dump track (west end) all empty cane cars west of the damaged car shall be removed first.
- After the damaged car is released from the dump further dumping shall be suspended.
- At this time the Mechanical Forces shall make temporary repairs as required to safely remove the damaged car from the outbound dump track to the designated repair track. During this period of temporary repair, up to and removing the damaged car(s) to the

designated track, the senior Railroad Manager on site shall be designated as the Employee-in-Charge.

- Only after the affected equipment and materials are clear of the dump tracks and it is ascertained that all personnel are in the clear of the dump track, the equipment is in the clear on the lead, then the Employee-in-Charge will communicate to the dump operator that normal dumping operations can continue.

5.1

Each member of the West Dump crew is equally responsible for the strict compliance with the following instructions.

5.2

The Conductor and Switchman are equally responsible for insuring that the proper number of loaded cars be place on the dumps. A maximum of forty (40) cars will be placed on the B or C Dump.

5.3

The Conductor and Switchman shall insure that the brakes are properly bled off of each car prior to being place on the dump.

5.4

The Conductor shall take a position at the east end of the dump or at the east end of any cars on the dump to protect the shove. The Engineer and Conductor shall maintain continuous communication during the shoving move. The Conductor shall inform the Engineer at least each five (5) cars of the distance to go. In the event that radio communication is lost, the Engineer will immediately stop the movement consistent with good train handling skills and the movement shall not resume until communications have been restored and an updated Job Briefing is conducted.

5.5

When tagging onto a cut of cars positioned to be dumped, the Conductor will not tag onto greater than five (5) cars in order to maintain visual continuity with the Dump Operator.

5.6

The use of hardhats is required three (3) car lengths from the dump.

5.7

When making the shove, the Conductor will inform the Engineer each car length during the final five (5) cars.

5.8

Prior to reaching the final stopping point, not less than one (1) car length not greater than two (2) car lengths a "safety stop" shall be made. After coming to a complete stop and movement has ceased, the Conductor will instruct the Engineer to shove the cut the remaining distance to the final stop.

5.9

After the final stop is made at a distance not less than ten (10) feet from the rear of the cut, the employee controlling the movement will signal the dump operator to reach back with the winch and couple to the additional cars. The preferred method of communication is by radio, however hand signals may be used in lieu of radio signals provided the employee controlling the movement and the Dump Operator has a clear understanding of those signals and their use.

5.10

Shoving to and coupling cars to standing cuts of cars on the dump tracks positioned for dumping is STRICTLY PROHIBITED. Under NO circumstances shall a 'direct tag' be made by any crew member.

5.11

Employees working the West Dump Job will be responsible for pulling empty cars off the Dump tracks as necessary, serving the molasses plant, and staging bad order cars, in addition to performing other duties as assigned.

5.12

Prior to coupling the locomotive to a cut of cars on the dump, the Conductor or Switchman shall insure that the last car has cleared the dump table. The Engineer shall not couple onto the cars until instructed. Additionally, the Engineer or Conductor must communicate to the door closer that they are preparing to couple onto and pull cars off the dump..

5.13

After coupling to the cars and positive communication has been established between the employee controlling the movement and the Engineer, the Engineer will "stretch" the cut to ensure that the cut is solid.

5.14

If it is determined that there is a break in the cut of cars, the cut shall be stretched a minimum of 20 feet. Assuring that the knuckles on both cars are open and properly positioned the crew will allow the winch to "kick" the cuts together.

5.15

Other than on the initial coupling, it is strictly forbidden to use the locomotive to couple cars on the west end of the dump tracks. The winch shall be used as described above to complete additional couplings.

5.16

The Conductor or Switchman shall inform the Yardmaster of the first car out (next to the engine), the bottom car out, and the number of any bad order cars.

5.17

The crew will place the empty cars in the track designated by the Yardmaster.

5.18

Standard railcars and locomotives will NOT fit through the dumps. Only cane cars and scale test cars are permitted within 3 car lengths of the carrier.

5.19

The Yardmaster will monitor all applicable radio channels for his territory, including SCFE.

5.20

Crews communicating with the Yardmaster via radio will contact the Clewiston Yardmaster on Channel 7E for instructions.

System Special Instructions

7.0

When shoving cars on the Main Line Tracks the train will be limited to forty-five (45) cars.

A Job Briefing will be conducted with all crew members involved in the movement to insure a clear understanding of the tasks to be performed. Prior to departing the location where cars are to be picked up the crew will insure that the brake system is fully charged and that a brake test in accordance with OR 200 is performed.

7.1

Maximum authorized shoving speed is fifteen (15) miles per hour. Shoving movements will be made in accordance with applicable Operating and Safety Rules.

7.2

Radio communication will be maintained between all crew members. Communication for backing and shoving movements must specify the direction and distance to go.

7.3

The movement must be STOPPED within on-half of the distance specified unless additional instructions are received.

7.4

The following mileposts have been designated as Measured Miles for the purpose of allowing the Engineer to check the speed recorder on the locomotive, and completing Line 4 on the Calendar Day Inspection Sheet. This is a mandatory reporting requirement.

CW Subdivision:

M.P. 4.0 – 5.0
M.P. 9.0 – 10.0
M.P. 14.0 – 15.0

CF Subdivision:

M.P. 4.0 – 5.0

BB Subdivision:

M.P. 3.0 – 4.0
M.P. 12.0 – 13.0

BP Subdivision:

M.P. 4.0 – 5.0
M.P. 9.0 – 10.0

7.5

Unless otherwise directed, during the repair season the following will govern the use of handbrakes:

Cane Hoists:

100% of handbrakes shall be applied to cars stored at cane hoists. In the event of hurricane warnings Engineering Department employees shall chock and chain both ends of cut.

Bryant Yard:

100% of handbrakes shall be applied to cars stored at Bryant Yard. In the event of hurricane warnings Engineering Department employees shall chock and chain both ends of cut.

All Main Lines:

When cars are temporarily stored on Main Lines (not exceeding 72 hours) a minimum of 10% of handbrakes will be applied. Cars left on Main Lines in excess of 72 hours will have 100% of the handbrakes applied.

Clewiston Yard:**Applicable Tracks:**

- Hill 1 & 2.
- Yard Tracks 4 – 11
- Melvins Spur
- Warehouse Storage Tracks
- Cars left inside fence at water treatment plant.

Hoppers and Tanks:

A minimum of 10% fully applied handbrakes on East end of cut.

7.6

Employees are prohibited from rolling cars equipped with “Stem Wheel” type handbrakes.

8.0

Per OR 104, all trains are responsible for their own switches. When entering or leaving yards, crew will ascertain that switches are lined for their movement and that the route is seen to be clear.

Bryant Terminal Special Instructions

1.1

All bad order cars shall be placed in the designated track. As a rule of thumb this track will be Mary's Room unless otherwise designated. Cars shall be placed in a location that allows Mechanical Forces the ability to drive their repair truck up to the car to make repairs.

1.2

All cars being prepared for delivery to the SCFE interchange track shall have the air hose on each car lined, angle cocks opened and the cars ready for pickup. The angle cocks on both ends of the cut shall be left closed. If air is used prior to delivery to the interchange track, the air will be dumped after the movement has stopped.

1.3

Since the demolition of the mill facility crew will use caution when operating on any track other than tracks Y1 – Y7. When moving about on tracks other than those mentioned above a crew member will take a conspicuous place on the head of the movement in order to watch for debris or any other abnormality that could affect their movement. **Movement on all but Y-1 thru Y7 shall not to exceed 5 miles per hour.**

1.4

The ladder track at each end of the yard shall be kept clear at all times. Locomotives may be parked on Y1 if it does not place any undue impediment on operations.

1.5

All outbound cane trains departing Bryant Terminal shall have the brake system fully charged and the appropriate brake test performed prior to departure. Trains shall not exceed 85 cars without permission.

1.6

Bryant Terminal Yard Limits are those railroad facilities lying westerly of:

- West of Switch 27 to the South
- Milepost 1.0 to the North
- East of the SCFE Mainline

1.7

USSC trains and locomotives under power are prohibited from entering SCFE trackage. USSC locomotives being transferred between terminals must be shut down and not used for revenue power when on SCFE trackage.

2.0

Inbound SCFE trains will contact the Yardmaster – Master for instructions prior to entering yard limits. The Yardmaster monitors SCFE radio frequencies. In the event the crew are unable to contact the Yardmaster cell phones are permissible for this purpose. The cell phone number for the Yardmaster is 863-261-7288.

2.1

In the event of a shoving movement toward the BP /subdivision (south) extreme care must be exercised. In addition to the standard automatic crossing protection, flag protection will be provided at the Route 98 Crossing.

When making any shoving movements across either leg of the wye the minimum power necessary for maintaining maximum speed will be used in order to prevent excessive buff forces.

2.2

During the repair season, 100% handbrakes will be placed on all cars in Bryant Yard and at all cane hoists. This also applies to all cars left on the Martinez Sub.

2.3

The Bryant Yardmaster will determined where the locomotives will be parked.

SCFE'S MAIN LINE RAIL AND TIE CONDITION

YEAR LAID	M.P.	WEIGHT	AGE	LENGTHS	CONDITION	MANUFACTURER
FEC R.R.	K-70.9-K-15.5	115	1950	CWR	GOOD	STEELTON
2000	957.9-951.0	132	1950	CWR	GOOD	STEELTON
2001	951.0-943.3	132	1950	CWR	GOOD	STEELTON
2002	943.3-936.0	136	1950	CWR	GOOD	STEELTON
2004	936.0-928.3	136	1966	CWR	GOOD	ILLINOIS
2008	928.3-875..4	136	2007	CWR	EXCELLENT	MITTAL

MILE POST	TRACK SECTION	SPEED	FRA CLASS
K-49.0-K-15.5	MAIN LINE	40	3
K-49.0-951.0	MAIN LINE	35	3
951.0-947.0	YARD LIMITS	20	2
947.0-881.0	MAIN LINE	25	2
881.0-875.4	YARD LIMITS	10	1

TIE CONDITION

Number of ties per mile 3,300

Number of functional ties per mile: 80%

South Central Florida Express, Inc.
Superintendent's Bulletin #1
January 1, 2009-10000

MAIN TRACK

***MP K-951.0 to MP K-49.0 is Class III track.
Maximum speed is thirty-five (35) miles per hour.**

***MP K-49.0 to MP K-15.5 is Class III track.
Maximum speed is forty (40) miles per hour.**

***MP 947.0 to MP 881.0 is Class II track. Maximum
speed is twenty-five (25) miles per hour.**

Permanent Speed Restrictions

***MP 953.7 (SWITCH) twenty (20) miles per hour.**

***MP 875.6 to MP 881.0 ten (10) miles per hour.**

***SCG Runaround Switch five (5) miles per hour.**

CANE BLOCK

Excepted Track

***MP 954.4 to MP 966.7 ten (10) miles per hour.**

***MP 966.7 to MP 969.3 is Class II track. Maximum
speed is twenty (20) miles per hour.**

THE FOLLOWING TRACK IS OUT OF SERVICE:

***MP 969.8 to MP 970.3**


S.C. Cochran, Vice President

**South Central Florida
Express, Inc.**

TIMETABLE NO. 6

**FOR THE GOVERNMENT
OF EMPLOYEES ONLY**

**EFFECTIVE 0001 HOURS
SATURDAY, SEPTEMBER 1, 2007**

S.C. CONLEY, VICE PRESIDENT

**SOUTH CENTRAL FLORIDA EXPRESS, INC.
900 SOUTH W.C. OWEN AVENUE
CLEWISTON, FLORIDA 33440**

DIVISION OFFICERS			NEXTEL CONTACT		
Name	Title	Home	Phone	ID	
S.C. Conley	Vice President	863-983-3348	228-2473	161*27019*31	
S.N. Mallo	Director Roadway Maintenance	561-792-7007	228-2471	161*27019*30	
G.L. Nedd	Supervisor Locomotive Maint.	863-902-0169	228-2255	161*27019*24	
M.S. Watson	Operations Manager	863-983-2920	990-9077	159*512062*1	
D.T. Phelps	Track Inspector	863-983-4511	228-2454	161*27019*18	
E.E. Villatoro	Track Inspector	863-983-7689	228-2455	161*27019*19	
L.E. Hingson	Supervisor Locomotive Engineers	863-983-5371			
D.R. Tarter	Supervisor Locomotive Engineers	863-983-2994			
M.S. Watson	Supervisor Locomotive Engineers	863-983-2920	228-4243	162*18*64979	
T.R. Woods	Signal Maintainer		228-1387	158*17*33766	
Signal-2	Signal Maintainer		228-1389	158*17*33768	

OTHER PERSONNEL			NEXTEL CONTACT		
Name	Title	Home	Phone	ID	
J.F. Vary	Shift Supervisor	863-983-3652	228-2468	161*27019*29	
J.O. Baker	Shift Supervisor	863-983-3930	228-2468	161*27019*29	
E.L. Howard	Mechanic	863-983-0014	860-8145	158*17*12491	
W.L. Brinkley	Mechanic	863-946-0926	227-6045	159*21870*1	

MEDICAL DEPARTMENT		Phone
Corporate Health Services, Clewiston, Florida		863-983-1123
Hendry Regional Medical Ctr., Clewiston, Florida		863-983-9121

TRAIN DISPATCHERS YARD OFFICE		Phone	Extension
CSX Transportation		904-381-5176	
Florida East Coast Railway		904-538-8802	
FEC Ft. Pierce Yard Office		772-461-8657	
South Central Florida Express, Inc.		863-983-3163	

EMERGENCY POLICE FIRE AMBULANCE		Phone
Hendry County Sheriff		863-983-1440
Clewiston Police		863-983-1477
Glades County Sheriff		863-946-0100
Lake Placid Police		863-699-3757
Florida Highway Patrol		863-699-3773
Highlands County Sheriff		863-402-7200
City of Sebring Police		863-471-5107
Palm Beach County Sheriff		561-996-1670
South Bay Police Department/PBC Sheriff		561-996-1670
Belle Glade Police Department/PBC Sheriff		561-996-1670
Pahokee Police Department/PBC Sheriff		561-996-1670
Martin County Sheriff		772-220-7170
Martin County Emergency Operation Ctr.		772-287-1662

161*27019*23

STATION LISTINGS AND DIAGRAM

SEBRING SUBDIVISION				PIERCE SUBDIVISION			
MILE POST	SOUTH	STATIONS	SIDINGS CAPACITY (FT)	MILE POST	SOUTH	STATIONS	SIDINGS CAPACITY (FT)
AVC 875.4		SEBRING 3.3	900	K 15.5		FEC RY	
AVC 878.7		BESOTO CITY 13.3	4900 A 4800 B	K 22.6		BLUEFIELD 5.6	
AVC 892.0		LAKE PLACID 6.3	410	K 28.8		MARCY 10.1	825
AVC 898.3	G F LEAD	CHILDS 20.3	2590	K 38.9		BESSIMOR 4.1	3160
AVC 918.6		PALMDALE 9.9	785 A 3150 B	K 43.0		DORSETT 7.9	460
AVD 928.5		MOORE HAVEN III 3.6	3480	K 50.0		CANAL POINT 8.0	1550 A 3450 B
AVD 932.1		MOORE HAVEN I 1.7	3702	K 58.0		RUNYON 2.3	3390
AVD 933.8		MOORE HAVEN 2.9	1168	K 60.3		BELLE GLADE 1.9	3485 A 3545 B
AVD 936.7		BENBOW I 0.3	3350	K 61.3		BELLE GLADE - WEST I 1.7	1330
AVD 937.0		GRAMLIN 1.8	1793	K 63.9		DAHLBERG 1.7	2590
AVD 938.8		BENBOW II 1.1	3527	K 64.7		SOUTH BAY 1.3	1715 A 1709 B 1875 C
AVD 939.9		BENBOW III 1.2	1948	K 66.0		SOUTH SHORE 3.5	3365
AVD 941.1		LIBERTY POINT 1.1	1385	K 67.0		BUKER PASS 1.0	8125 A
		SHAWNEE 2.7	2138	K 68.0		WADE SIDING 0.3	4875 B
AVD 944.9		SUGARTON 3.0	1327	K 69.5		MIAMI LOCKS 8.8	3360
AVD 947.9		CLEWISTON 3.8	2863	K 70.3		LAKE HARBOR	1075
AVD 951.7	RITTA SPUR	RITTA 2.0	8471				
AVD 953.7		KEELA 0.8	2233				
AVD 954.5		MOTT 1.8	3281				
AVD 956.3		WATSON 1.4	1740				
AVD 957.7		LAKE HARBOR	4426				

NOTES:

- DESOTO CITY A-TRACK #1 B-TRACK #2
- PALMDALE A-SIDING B-LOG STORAGE

1. DTC BLOCK LIMITS AND MAXIMUM AUTHORIZED SPEED

BLOCK DESTINATION	BETWEEN	MPH
SEBRING	MP 881.0 AND MP 898.0	25
PALMDALE	MP 898.0 AND MP 919.1	25
MOORE HAVEN	MP 919.1 AND MP 936.5	25
CLEWISTON	MP 936.5 AND MP 947.0	25
CANE	MP 954.4 AND MP 966.7	10
CANE	MP 966.7 AND MP 969.3	20
SOUTH BAY	MP 951.0 AND MP K49.0	35
FT. PIERCE	MP K49.0 AND MP K15.5	40

2. METHOD OF OPERATION

TRACK SECTION BETWEEN	AUTHORITY FOR MOVEMENT RULES
SEBRING AND MP 881.0	93 (A)
MP 881.0 AND MP 947.0	81-97 (B)
MP 947.0 AND MP 951.0	93 (A)
MP 951.0 AND MP K15.5	81-97 (B)
MP 954.4 AND MP 969.3	81-97 (B)
MP 969.3 AND MP 970.9	93 (A)

3. YARD LIMITS

LOCATION/BETWEEN	MPH
MP 875.4 AND MP 881.0	20
MP 947.0 AND MP 951.0	20
MP 969.3 AND MP 970.9	10

4. SPEED RESTRICTIONS

LOCATION/BETWEEN	MPH
MP 875.6 CSXT CROSSOVER	10
GP PLANT SWITCH	5
MP 934.2 AND MP 934.3	10
MP 947.8 AND MP 948.6	10
MP 953.7	20
LAKE HARBOR AND OKC SWITCH	
MP 953.9 AND MP 954.1	10
MIDDLE LEG AND OKC SIDE OF KEELA WYE	
MP K 61.0	5
BEER TRACK	
MP K 40.08 PT MAYACA	10
MANUALLY INTERLOCK LIFT BRIDGE	
MP K 28.5	20
CSXT CROSSING (MARCY)	

DIVISION SPECIAL INSTRUCTIONS

GENERAL:

- A. The following conditions must be reported promptly and by the quickest means to the proper authority: Accidents; defects in track bridges, signals or highway crossing warning devices; fires on or near the right of way; or any unusual condition that may affect the safe, efficient operation of the railroad.
- B. In case of doubt or uncertainty, the SAFE course must be taken.
- C. With the exception of Desoto City and Clewiston, all sidings are Industrial Tracks, and are permanently maintained to FRA Class I standards.

RULE 3: A standard clock will be maintained in the Clewiston Control Office. Clock time, equivalent to the United States Eastern Time Zone, using the 24-hour clock system will be SCFE Standard Time.

RULE 40:

- A. Due to harmonics which occur at speeds between 14 MPH and 18 MPH, causing severe rocking motions to cars, the following instructions will govern the movement of all freight trains: Freight trains will not be continuously operated at speeds between 14 MPH and 18 MPH. Such speeds will be permissible only in acceleration or deceleration of movement.
- B. SCFE cane trains will not exceed a speed of 10 MPH work USSC cane loading elevators.
- C. SCFE cane trains will not exceed a speed of 25 MPH.

RULE 76: When communicating via radio, mobile unit numbers may be used by designated personnel. Assigned numbers are as follows:

<u>ASSIGNED NUMBER</u>	<u>DESIGNATED PERSONNEL</u>
T-2	VICE PRESIDENT
T-3	YARDMASTER, FIRST TRICK
T-4	YARDMASTER, SECOND TRICK
T-5	OPERATIONS MANAGER
M-6	SUPERVISOR OF LOC MAINTENANCE
M-7	OTHER MECHANICAL PERSONNEL
S-1	SIGNAL MAINTAINER
S-2	SIGNAL MAINTAINER
W-10	DIRECTOR ROADWAY MAINTENANCE
W-11	TRACK INSPECTOR/FOREMAN
W-12	TRACK INSPECTOR/FOREMAN
W-15	TAMPER OPERATOR
W-16	TRACK GANG
W-17	PRENTISS BOOM TRUCK OPERATOR
W-18	REGULATOR OPERATOR
W-20	WELDER

RULE 98 (A). **JUNCTION:** South Clewiston, USSC Yard: Trains must not pass wye road crossing until permission has been obtained from the USSC Yardmaster.

(B). **RAILROAD CROSSING:** Cane Block, MP 955.5, USSC Railroad Diamond: All trains must stop at the Stop sign and ascertain that the USSC track is clear in both directions.

(C). **RAILROAD CROSSING:** Marcy Diamond, Ft. Pierce Subdivision, MP K 28.5 CSXT Railroad. Automatic Interlocking controlled and maintained by CSXT. SCFE crossing instructions: Reduce speed at Approach Signal and be prepared to stop at Home Signal, if approach signal is dark, then proceed at Restricted speed to Home Signal prepared to stop. If Home Signal shows a clear indication (green over red) then proceed pass Home Signal at a speed no greater than 20 MPH until train clears Diamond. If Home Signal shows a restricted indication (red over red) stop at Home Signal wait six (6) minutes and thirty (30) seconds. If no conflicting train is in sight or hearing, crewmember must go to side of CSXT Signal Box to SCFE labeled box and operate time release by pulling switch outward, then pushing switch inward. If signal does not clear after six (6) minutes and thirty (30) seconds contact CSXT Dispatcher and Dispatcher will issue further instructions.

(D). SWING BRIDGE: Moore Haven, MP 934.2: Bridge tender or Control Station must be contacted a minimum of 30 minutes prior to anticipated movement over the bridge. If no contact is possible, ascertain by observation that the bridge is turned and locked. Trains must stop at the Stop sign and not attempt passage until the bridge is turned and rails locked. This may be from personal observation or permission to proceed from the Bridge tender.

(E). MANUALLY INTERLOCK LIFT BRIDGE: Port Mayaca, MP K 40.08: Reduce speed at Approach Signal. Trains must stop at Bridge Home Signal and operate push button control for bridge activation, member of crew must observe that bridge locks are in place and a green over red indication displayed on signal governing movements over bridge only:

Instructions for Bridge operation (Southbound):

1. Observe waterway for boat traffic
2. Unlock and open control box
3. Push green button one time
4. Close and lock control box
5. North side of bridge

Instructions for Bridge operation (Northbound):

1. Observe waterway for boat traffic
2. Unlock and open control box
3. Push green button one time
4. Close and lock control box
5. South side of bridge

(F). U.S. 441 HIGHWAY CROSSING ON GLADES MILL LEAD: MP K 60.3: Train must stop. Crossing signals are to be operated by manual push button located on both sides of crossing. Member of crew must first ascertain that vehicle traffic is clear and then activate crossing protection before fouling crossing and deactivate the protection once clear of the crossing.

RULE 100 (D).

DESOTO CITY INTERCHANGE : Train crews must ascertain that highway protection is functioning at Old Desoto City Road, MP 878.6: or U.S. Hwy. 17, MP 879.7: before proceeding out of the respective end of the Interchange tracks on to the Main Line. Start Circuit Signs are displayed.

RULE 103

SCFE TRAINS WORKING THE RITTA SPUR: MP 951.7:

All movements over SR 832 will be made with a crewman on the leading end of the movement and at night or during inclement weather, a lighted red fusee and railroad lantern displaying a white light must be placed on the leading car before occupying the crossing.

RULE 103 (A).

1. USSC has installed sugar cane spillage conveyors at Benbow II (MP 938.8), Ritta (MP 951.7), Mott (MP 954.5) and South Shore (MP K 66.0). These conveyors are located adjacent to the regular sugar cane hoist loaders and will not clear man on side or top of car. "Warning Close Clearance" signs have been installed. D.O.T. instructions are, "At no time shall the railroad move railroad cars through the proposed conveyors nor shall they allow a car to be kicked into or rolled by into the track equipped with these conveyors." This equipment will not clear any type of rail car or engine except USSC cane cars. Use extreme caution while working tracks equipped with this type of conveyor.
2. USSC cane cars are equipped with vertical grab-irons and extreme care must be used while mounting and dismounting the equipment.
3. When moving boxcars equipped with plug type doors, the doors must be closed before cars are moved.

RULE 103 (D).

Sufficient number of handbrakes must be set on rail cars set out at the Desoto City Interchange to secure them from movement on the grade.

RULE 172

LOCATION OF RADIO BASE STATION:

<u>Location</u>	<u>Frequency</u>	<u>Hours</u>
Clewiston Control 160.830 (SCFE)		Continuous
Clewiston Control 161.250 (SCFE)		Continuous
Clewiston Control 161.100 (CSXT)		Continuous

**MOVEMENT OF TRAINS AND ENGINES
ON USSC TRACKS-CLEWISTON/BRYANT YARDS**

- (A) USSC Yard Limits at Clewiston, SCFE trains will stop clear of the USSC Yard Limits and will not proceed until authorized by the USSC Yardmaster.

USSC Yard Limits at Bryant, SCFE trains will contact the USSC Yardmaster prior to entering Yard Limits for instructions. The Yardmaster monitors SCFE radio frequencies. In the event crews are unable to contact the Yardmaster by radio, cell phones are permissible for this purpose. The Conductor can establish this communication or the Engineer, provided the movement is stopped. The Yardmaster cell phone is 561-261-7288.

- (B) SCFE trains ready for departure from the USSC Yard will be governed by instructions from the USSC Yardmaster before any movement is made.
- (C) All movements with sugar cane cars into and out of the USSC Yard must be made via the same leg of the Wye as was previously used to prevent improper turning of cars.
- (D) SCFE train speeds inside USSC Yards will be governed as follows: The maximum speed limit along either leg of the Wye track at Bryant is 10 MPH during a shoving move. Within the yard limits at both terminals, all trains and engines must move, prepared to stop within one-half the range of visibility, but not exceeding 10 MPH on lead tracks and not exceeding 10 MPH through all turnouts.
- (E) The USSC Dump Engine has first preference in all moves within their yard.
- (F) SCFE trains operating on USSC trackage MUST leave all switches in the same position as in which they were found before use. If it is not possible to comply with this instruction, the USSC Dump Conductor or Yardmaster must be informed immediately of the position of the switch.
- (G) When setting out cuts of cars in the USSC Yard, after the cut is made, close the angle cocks on both ends of the cut of cars.

TRACK CAPACITIES - USSC CLEWISTON YARD

<u>TRACK NUMBER</u>	<u>CAR CAPACITY</u>
1.....	Cane Dump Track
2.....	Main Lead Track
3.....	30 cane cars (Running Track)
4.....	36 cane cars
5.....	42 cane cars
6.....	47 cane cars
7.....	52 cane cars
8.....	59 cane cars
9.....	85 cane cars
10.....	90 cane cars

TRACK CAPACITIES - USSC BRYANT YARD

<u>TRACK NUMBER</u>	<u>CAR CAPACITY</u>
1.....	Running Track
2.....	63 cane cars
3.....	63 cane cars
4.....	65 cane cars
5.....	85 cane cars
6.....	95 cane cars
7.....	100 cane cars

MAXIMUM TRACK CAPACITIES - CANE HOISTS

<u>LOCATION</u>	<u>CODE</u>	<u>EMPTY CANE CARS</u>
Sugarton	STN	15
Shawnee	SWE	20
Liberty Point	LPT	10
Benbow 3	BB3	20
Benbow 2	BB2	40
Benbow 1	BB1	40
Gramlin	GRA	21
Moore Haven 1	MH1	40
Moore Haven 3	MH3	39
Mott	MOT	40
Ritta	RIT	30 (hoist to stub end)
Ritta	RIT	15 (pocket)
Runyan	RYN	39
Dahlbert	DLB	29
South Storage Track	SST	25
North Storage Track	NST	30
S. Bay Team Track	SBT	18
South Shore	SSR	40
Buker Pass	BPT	100
Wade Siding	WST	100
Miami Locks	MLK	39
Wetherald 1	WTH1	40
Wetherald 2	WTH2	40
Wetherald 3	WTH3	30
Wetherald 4	WTH4	30
Wetherald 5	WTH5	40

MISCELLANEOUS INSTRUCTIONS

INTERCHANGE WITH CSXT AT SEBRING:

Interchange with CSXT will be accomplished at Desoto City MP 878.7. Both CSXT and SCXF trains will monitor CSXT radio on SCXF channel 1 while operating within the above yard limits.

PROCEDURES TO ENTER/DEPART FEC FT. PIERCE YARD:

ENTER FT. PIERCE YARD:

1. At MP K-17, request permission to enter the FEC Yard limits from the FEC Dispatcher on FEC radio channel 5. (44-28)
2. After permission is received from the FEC Dispatcher, request permission to enter the FEC Yard limits from the FEC Yardmaster at Ft. Pierce on FEC radio channel 4. (28-28)
3. FEC yard speed from the MP K-15.5 to MP K-0.0 is 20 MPH.
4. Turn headlights off at MP K-0.0.
5. At MP K-0.0, call FEC Dispatcher to advise clear of the K Branch.

DEPART FT. PIERCE YARD:

1. Call FEC Yardmaster at Ft. Pierce for permission to leave Ft. Pierce Yard.
2. Call FEC Dispatcher, request permission to enter the K Branch at MP K-0.0.
3. Turn headlight on at MP K-0.0.
4. Yard Speed from the MP K-0.0 to MP K-15.5 is 20 MPH.
5. At the MP K-15.5 radio the FEC Dispatcher and FEC Ft. Pierce Yardmaster to advise clear of the FEC Yard limits.

MP K 0.00 to MP K 15.5

Controlled Track is defined as: Track specified in special instructions where all movements of trains, engines, and on-track equipment must be authorized by the control station.

The K Branch will be considered controlled track, under the control of the St. Augustine Dispatcher. Trains, engines, or On-Track Equipment must secure permission from the St. Augustine Dispatcher before entering or fouling these tracks.

The dispatcher will be responsible to record and protect movements within these limits and inform all train, engine or OTE entering these limits of other movements authorized, and any restrictions in effect.

Authority to occupy the track will not be issued using FOUL TIME and FORM 23Y will not be issued as joint.

Train or engine movements will not be required to have a Form 23Y when entering these limits, and may move through Maintenance of Way limits in accordance with FEC General Operating Rule 194.

In addition to the required personal protection items of SCFE, while in the FEC Ft. Pierce Yard, conductors are required to wear gloves and ear protection while working outside the cab.

MISCELLANEOUS:**SPEED TABLE**

This table is for information in determining speed per mile and in no way affects rules governing speed of trains.

Miles per Hour	1 Mile in	
	Min.	Sec.
6	10	
8	7	30
10	6	
12	5	
15	4	
16	3	45
17	3	31
18	3	20
19	3	9
20	3	
21	2	51
22	2	43
23	2	36
24	2	30
25	2	24
26	2	18
27	2	13
28	2	8
29	2	4
30	2	
35	1	43
40	1	30

THERE ARE THREE MEASURED MILES ON SCFE WHICH WILL BE USED TO CHECK SPEEDOMETER READINGS ON EACH TRIP. THEY ARE FROM MP 880 TO MP 881, MP 940 TO MP 941, AND MP K-54 TO MP K-55

MISCELLANEOUS:

ALL TRAIN OPERATORS MUST TURN IN AN ENGINE WORK REPORT AT THE END OF EACH DAY'S TOUR OF DUTY NOTING ANY DEFECTS ON EACH LOCOMOTIVE. THIS NOT ONLY GIVES THE MECHANICAL FORCES A GUIDE TO THE NATURE OF THE DEFECT, BUT IS NECESSARY TO COMPLY WITH FRA RULES.

TIME AND DISTANCE TABLE

Miles	10 MPH	15 MPH	20 MPH	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH
1	6							
2	12	8	6					
3	18	12	8	7	6	5		
4	24	16	12	9	8	6	6	5
5	30	20	15	12	10	8	7	6
6	36	24	18	14	12	10	9	8
7	42	28	21	16	14	12	10	9
8	48	32	24	19	16	13	12	10
9	54	36	27	21	18	15	13	12
10	60	40	30	24	20	17	15	13
11	66	44	33	26	22	18	16	14
12	72	48	36	28	24	20	18	16
13	78	52	39	31	26	22	19	17
14	84	56	42	33	28	24	21	18
15	90	60	45	36	30	25	22	20
16	96	64	48	38	32	27	24	21
17	102	68	51	40	34	29	25	22
18	108	72	54	43	36	30	27	24
19	114	78	57	45	38	32	28	25
20	120	80	60	48	40	34	30	26
21	126	84	63	50	42	36	31	28
22	132	88	66	52	44	37	33	29
23	138	92	69	55	46	39	34	30
24	144	96	72	57	48	41	36	32
25	150	100	75	60	50	42	37	33
26	156	104	78	62	52	44	39	34
27	162	108	81	64	54	46	40	36
28	168	112	84	67	56	48	42	37
29	174	116	87	69	58	49	43	38
30	180	120	90	72	60	51	45	40